

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BEFORE HONORABLE DANA M. SABRAW, JUDGE PRESIDING

UNITED STATES OF AMERICA,
PLAINTIFF.

JOSE RODRIGO ARECHIGA-GAMBOA,
DEFENDANT.

)
)
) CASE NO. 13CR4517-DMS
)
) SAN DIEGO, CALIFORNIA
) WEDNESDAY, MAY 20, 2015
) 10:00 A.M. CALENDAR
)
)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

CHANGE OF PLEA HEARING

COUNSEL APPEARING:
FOR PLAINTIFF:

LAURA E. DUFFY,
UNITED STATES ATTORNEY
BY: ADAM L. BRAVERMAN
ASSISTANT U.S. ATTORNEY
880 FRONT STREET
SAN DIEGO, CALIFORNIA 92101

FOR DEFENDANT:

FRANK J. RAGEN, II ESQ.
105 WEST F STREET SUITE 215
SAN DIEGO, CALIFORNIA 92101

INTERPRETER:

MAIRA HAYS

REPORTED BY:

LEE ANN PENCE
OFFICIAL COURT REPORTER
UNITED STATES COURTHOUSE
333 WEST BROADWAY ROOM 1393
SAN DIEGO, CALIFORNIA 92101

1 SAN DIEGO, CALIFORNIA - WEDNESDAY, MAY 20, 2015 - 10:23 A.M.

2 * * *

3 **THE CLERK:** CALLING NO. 2 ON CALENDAR, CASE NO.
4 13CR4517, UNITED STATES OF AMERICA VERSUS JOSE RODRIGO
5 ARECHIGA-GAMBOA; ON FOR A CHANGE OF PLEA HEARING.

6 **MR. RAGEN:** GOOD MORNING, YOUR HONOR. FRANK RAGEN
7 ON HIS BEHALF. HE IS PERSONALLY PRESENT.

8 **THE COURT:** GOOD MORNING.

9 **MR. BRAVERMAN:** AND GOOD MORNING, YOUR HONOR. ADAM
10 BRAVERMAN AND LINDA FRAKES ON BEHALF OF THE UNITED STATES.

11 **THE COURT:** GOOD MORNING.

12 WE ARE SET FOR CHANGE OF PLEA. THERE IS A
13 SUPERSEDING INFORMATION, SO THE PARTIES ARE PROPOSING THAT WE
14 FIRST ARRAIGN ON THE SUPERSEDING INFORMATION THEN PROCEED WITH
15 THE CHANGE OF PLEA. AM I CORRECT?

16 **MR. RAGEN:** YOUR HONOR, MY CLIENT HAS JUST SIGNED A
17 WAIVER OF INDICTMENT, AND I HAVE ACKNOWLEDGED HIS SIGNATURE.
18 AND I WOULD LIKE TO FILE THAT, IF I MAY.

19 **THE COURT:** YES.

20 **MR. RAGEN:** THANK YOU.

21 **THE CLERK:** COUNSEL, CAN I GET YOU TO DATE THE --
22 JUST SAYS 5.

23 **MR. RAGEN:** THANK YOU.

24 **THE CLERK:** THANK YOU.

25 **THE COURT:** MADAM CLERK.

MAY 20, 2015

1 **THE CLERK:** JOSE RODRIGO ARECHIGA-GAMBOA, YOU ARE
2 ADVISED THAT YOU HAVE A RIGHT TO HAVE THESE CHARGES PRESENTED
3 TO THE GRAND JURY FOR INDICTMENT OR YOU MAY WAIVE INDICTMENT
4 AND ALLOW THE UNITED STATES ATTORNEY TO FILE THE CHARGES BY
5 WAY OF INFORMATION.

6 DO YOU DESIRE TO WAIVE INDICTMENT?

7 **DEFENDANT ARECHIGA-GAMBOA:** (THROUGH INTERPRETER
8 MAIRA HAYS) YEAH.

9 **THE CLERK:** IS THIS YOUR SIGNATURE ON THE WAIVER OF
10 INDICTMENT FORM YOUR COUNSEL JUST HANDED UP?

11 **DEFENDANT ARECHIGA-GAMBOA:** YES.

12 **THE CLERK:** IS JOSE RODRIGO ARECHIGA-GAMBOA YOUR
13 TRUE NAME?

14 **DEFENDANT ARECHIGA-GAMBOA:** YES.

15 **THE CLERK:** YOU ARE INFORMED THAT A SUPERSEDING
16 INFORMATION HAS BEEN FILED CHARGING YOU WITH CONSPIRACY TO
17 IMPORT COCAINE AND MARIJUANA, AND CRIMINAL FORFEITURE.

18 HAVE YOU RECEIVED A COPY OF THIS SUPERSEDING
19 INFORMATION AND DO YOU WAIVE FURTHER READING?

20 **MR. RAGEN:** WE HAVE RECEIVED A COPY AND WE WAIVE
21 READING.

22 **THE CLERK:** YOU ARE FURTHER ADVISED THAT YOU ARE
23 ENTITLED TO A TRIAL BY JURY, TO BE REPRESENTED BY COUNSEL AT
24 ALL STAGES OF THE PROCEEDINGS BEFORE THIS COURT, AND TO HAVE
25 WITNESSES SUMMONED TO TESTIFY IN YOUR BEHALF.

MAY 20, 2015

1 HOW DO YOU NOW PLEAD TO THE SUPERSEDING INFORMATION:
2 GUILTY OR NOT GUILTY?

3 **DEFENDANT ARECHIGA-GAMBOA:** GUILTY.

4 **THE CLERK:** PLEASE RAISE YOUR RIGHT HAND.

5 DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE
6 YOU SHALL GIVE IN THE CAUSE NOW BEFORE THE COURT SHALL BE THE
7 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

8 **DEFENDANT ARECHIGA-GAMBOA:** YES.

9 **THE COURT:** GOOD MORNING.

10 SIR, YOU HAVE BEEN PLACED UNDER OATH. THAT MEANS IT
11 IS YOUR OBLIGATION TO TESTIFY TRUTHFULLY. IF YOU FAIL TO DO
12 THAT YOU COULD LATER BE PROSECUTED FOR PERJURY.

13 DO YOU UNDERSTAND?

14 **DEFENDANT ARECHIGA-GAMBOA:** YES.

15 **THE COURT:** I HAVE A PLEA AGREEMENT AND A FORFEITURE
16 AND OTHER ADDENDUM THAT ARE ATTACHED TO THE PLEA AGREEMENT. I
17 HAVE REVIEWED EVERYTHING.

18 IT APPEARS TO ME YOU HAVE SIGNED AND DATED IN ALL
19 APPROPRIATE PLACES. YOU HAVE ALSO INITIALED ON THE BOTTOM OF
20 EACH AND EVERY PAGE OF THE PLEA AGREEMENT. IS THAT CORRECT?

21 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

22 **THE COURT:** THAT TELLS ME YOU HAD A FULL OPPORTUNITY
23 TO DISCUSS EACH AND EVERY PROVISION OF THE PLEA AGREEMENT AND
24 THE ADDENDA WITH YOUR COUNSEL. AM I CORRECT?

25 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

MAY 20, 2015

1 **THE COURT:** WERE ALL OF THE QUESTIONS YOU ASKED OF
2 YOUR COUNSEL CONCERNING THE DECISIONS YOU ARE MAKING HERE
3 TODAY ANSWERED TO YOUR SATISFACTION?

4 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

5 **THE COURT:** DO YOU HAVE ANY QUESTIONS OF THE COURT
6 CONCERNING THE PLEA AGREEMENT?

7 **DEFENDANT ARECHIGA-GAMBOA:** NO.

8 **THE COURT:** HAVE YOU CONSUMED ANY MEDICATION, DRUGS,
9 OR ALCOHOL WITHIN THE PAST 72 HOURS?

10 **DEFENDANT ARECHIGA-GAMBOA:** NO, SIR.

11 **THE COURT:** HAS ANYONE MADE ANY THREATS TO YOU OR
12 ANYONE NEAR OR DEAR TO YOU TO INDUCE YOU TO ENTER INTO THE
13 PLEA?

14 **DEFENDANT ARECHIGA-GAMBOA:** NO, SIR.

15 **THE COURT:** HAS ANYONE MADE ANY PROMISES TO YOU,
16 OTHER THAN WHAT IS CONTAINED WITHIN THE PLEA AGREEMENT, TO
17 INDUCE YOU TO ENTER INTO THE PLEA?

18 **DEFENDANT ARECHIGA-GAMBOA:** NO, SIR.

19 **THE COURT:** BY PLEADING GUILTY YOU WOULD BE GIVING
20 UP A NUMBER OF YOUR CONSTITUTIONAL RIGHTS INCLUDING: THE
21 RIGHT TO A SPEEDY AND PUBLIC JURY TRIAL; THE RIGHT TO REMAIN
22 SILENT OR TO TESTIFY AT TRIAL IF YOU DESIRE; THE RIGHT TO
23 CONFRONT AND CROSS-EXAMINE WITNESSES; AND THE RIGHT TO
24 SUBPOENA DOCUMENTS AND WITNESSES IN DEFENSE OF THESE CHARGES
25 AND ALLEGATIONS.

MAY 20, 2015

1 DO YOU UNDERSTAND EACH OF THESE CONSTITUTIONAL
2 RIGHTS?

3 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

4 **THE COURT:** DO YOU WAIVE EACH OF THESE RIGHTS AT
5 THIS TIME?

6 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

7 **THE COURT:** YOU ALSO HAVE A RIGHT TO STAND ON A NOT
8 GUILTY PLEA. AND IF YOU ELECTED TO DO THAT MR. RAGEN WOULD
9 HONOR YOUR DECISION AND HE WOULD DEFEND YOU THROUGH ALL STAGES
10 OF THE PROCEEDINGS.

11 DO YOU UNDERSTAND AND GIVE UP THAT RIGHT AS WELL?

12 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

13 **THE COURT:** THERE IS A FACTUAL BASIS THAT IS SET OUT
14 IN THE PLEA AGREEMENT. I AM GOING TO READ IT AND ASK THAT YOU
15 PAY CAREFUL ATTENTION.

16 IF YOU AGREE THAT THESE FACTS ARE TRUE AND CORRECT I
17 WILL INVITE YOU TO SAY SO AFTER I READ THE FACTUAL BASIS. IF
18 THERE IS ANY DISAGREEMENT THEN I WOULD INVITE YOU TO MENTION
19 THAT AS WELL.

20 DO YOU UNDERSTAND?

21 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

22 **THE COURT:** THE FACTUAL BASIS READS AS FOLLOWS:
23 THAT BEGINNING NO LATER THAN IN OR ABOUT MAY 2005 AND
24 CONTINUING UNTIL AT LEAST ON OR ABOUT DECEMBER 20, 2013 YOU
25 WERE A MEMBER OF A NARCOTICS TRAFFICKING ORGANIZATION BASED IN

MAY 20, 2015

1 SINALOA, MEXICO, AND COMMONLY KNOWN TO ITS MEMBERS AND
2 ASSOCIATES AND THE PUBLIC AS THE SINALOA CARTEL.

3 YOU ADMIT THAT YOU BECAME A HIGH-LEVEL MEMBER OF THE
4 SINALOA CARTEL AND WERE RESPONSIBLE FOR A NUMBER OF ASPECTS OF
5 THE CARTEL'S OPERATIONS. SPECIFICALLY YOU ADMIT THAT YOU
6 ENTERED INTO AN AGREEMENT WITH OTHER MEMBERS OF THE SINALOA
7 CARTEL TO ACT AS A COORDINATOR TO TRANSPORT LARGE QUANTITIES
8 OF NARCOTICS FOR IMPORTATION FROM MEXICO INTO THE UNITED
9 STATES.

10 YOU ADMIT THAT AS PART OF THIS AGREEMENT YOU AND
11 YOUR CO-CONSPIRATORS COORDINATED THE TRANSPORTATION OF TON
12 QUANTITY LEVELS OF BOTH COCAINE AND MARIJUANA FROM MEXICO INTO
13 THE UNITED STATES.

14 YOU ADMIT THAT THE SINALOA CARTEL USED VIOLENCE AND
15 MADE CREDIBLE THREATS OF VIOLENCE TO RIVAL CARTELS FOR THE
16 PURPOSES OF PROMOTING THE SINALOA CARTEL'S NARCOTICS
17 TRAFFICKING BUSINESS.

18 YOU ADMIT THAT YOU WERE A DIRECT PARTICIPANT IN AND
19 COMMUNICATED TO OTHER MEMBERS OF THE SINALOA CARTEL ORDERS TO
20 COMMIT ACTS OF VIOLENCE OR THREATS OF VIOLENCE.

21 YOU FURTHER AGREE THAT THE PROPERTY SUBJECT TO
22 FORFEITURE, THAT IS \$1 MILLION IN UNITED STATES CURRENCY, IS
23 PROCEEDS OBTAINED DIRECTLY OR INDIRECTLY AS A RESULT OF THE
24 FELONY OFFENSE ALLEGED IN THE SUPERSEDING INFORMATION AND/OR
25 PROPERTY USED OR INTENDED TO BE USED IN ANY MANNER OR PART TO

MAY 20, 2015

1 COMMIT TO FACILITATE THE COMMISSION OF THE FELONY OFFENSE
2 ALLEGED IN THE SUPERSEDING INFORMATION.

3 DO YOU AGREE THAT ALL OF THOSE FACTS ARE TRUE AND
4 CORRECT?

5 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

6 **THE COURT:** AND DO YOU AGREE THAT THESE FACTS, AS
7 READ TO YOU BY THE COURT, ARE TRUE AND CORRECT BECAUSE IN
8 TRUTH AND IN FACT YOU ARE GUILTY AS CHARGED?

9 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

10 **THE COURT:** THE MAXIMUM PUNISHMENT FOR THIS OFFENSE
11 IS A MAXIMUM OF LIFE IN PRISON AND A MANDATORY MINIMUM
12 SENTENCE OF 10 YEARS IN CUSTODY; A \$10 MILLION FINE; A
13 MANDATORY SPECIAL ASSESSMENT OF \$100 PER COUNT; A TERM OF
14 SUPERVISED RELEASE OF AT LEAST FIVE YEARS AND UP TO LIFE, WITH
15 A RETURN TO PRISON FOR THE PERIOD OF SUPERVISED RELEASE THAT
16 IS IMPOSED IN THE EVENT THAT YOU VIOLATE ANY OF THE TERMS AND
17 CONDITIONS OF YOUR SUPERVISED RELEASE; AS WELL AS FORFEITURE
18 OF ALL PROPERTY CONSTITUTING OR DERIVED FROM PROCEEDS OBTAINED
19 AS A RESULT OF THE VIOLATION, AND ALL PROPERTY USED OR
20 INTENDED TO BE USED TO COMMIT OR TO FACILITATE THE COMMISSION
21 OF THE VIOLATION.

22 DO YOU UNDERSTAND?

23 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

24 **THE COURT:** THE ELEMENTS OF THE OFFENSE ARE THESE:
25 THAT BEGINNING NO LATER THAN IN OR ABOUT MAY 2005 AND

MAY 20, 2015

1 CONTINUING UP TO AND INCLUDING DECEMBER 20, 2013 THERE WAS AN
2 AGREEMENT BETWEEN TWO OR MORE PERSONS TO COMMIT AT LEAST ONE
3 CRIME AS CHARGED IN THE SUPERSEDING INFORMATION; NAMELY, TO
4 IMPORT COCAINE AND MARIJUANA INTO THE UNITED STATES FROM A
5 PLACE OUTSIDE THEREOF.

6 THAT YOU BECAME A MEMBER OF THE CONSPIRACY KNOWING
7 OF AT LEAST ONE OF ITS OBJECTS AND INTENDING TO HELP
8 ACCOMPLISH IT. AND THE OFFENSE INVOLVED AN AGREEMENT TO
9 IMPORT OVER 5 KILOGRAMS OF COCAINE AND 1,000 KILOGRAMS OF
10 MARIJUANA.

11 DO YOU UNDERSTAND?

12 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

13 **THE COURT:** YOU UNDERSTAND THAT THE GOVERNMENT WOULD
14 HAVE TO PROVE BEYOND A REASONABLE DOUBT EACH AND EVERY ELEMENT
15 OF THOSE OFFENSES IF YOU ELECTED -- OR THOSE ELEMENTS IF YOU
16 ELECTED TO STAND TRIAL?

17 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

18 **THE COURT:** AS TO THE FORFEITURE, YOU UNDERSTAND
19 THAT THE UNITED STATES WOULD HAVE TO PROVE BY A PREPONDERANCE
20 OF THE EVIDENCE THAT THE PROPERTY IT SEEKS TO FORFEIT
21 CONSTITUTES OR IS DERIVED FROM PROCEEDS OF THE OFFENSE OR WAS
22 PROPERTY USED OR INTENDED TO BE USED TO FACILITATE THE
23 OFFENSE.

24 DO YOU UNDERSTAND?

25 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

MAY 20, 2015

1 **THE COURT:** YOU ALSO UNDERSTAND THAT IF YOU ELECTED
2 TO STAND TRIAL YOU WOULD BE PRESUMED TO BE INNOCENT. THE
3 GOVERNMENT WOULD HAVE TO PROVE BEYOND A REASONABLE DOUBT EACH
4 AND EVERY ELEMENT OF THE OFFENSE AS WELL AS THE NATURE AND
5 QUANTITY OF THE DRUGS INVOLVED.

6 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

7 **THE COURT:** BY PLEADING GUILTY, OF COURSE, YOU WOULD
8 BE RELIEVING THE GOVERNMENT OF ITS BURDEN, AND YOU WOULD BE
9 WAIVING THE CONSTITUTIONAL RIGHTS WE HAVE GONE OVER BEFORE.

10 DO YOU UNDERSTAND?

11 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

12 **THE COURT:** THIS PLEA CONTEMPLATES A SENTENCE WITHIN
13 A PROPOSED GUIDELINE RANGE. IT IS SET OUT IN THE PLEA
14 AGREEMENT. A BASE OFFENSE LEVEL OF 38, PLUS 2 FOR USE OF
15 VIOLENCE, A PLUS 3 OR 4 FOR AGGRAVATED ROLE, AND A MINUS 3 FOR
16 ACCEPTANCE OF RESPONSIBILITY. THE TOTAL OFFENSE LEVEL WOULD
17 BE 40 OR 41 UNDER THE PLEA AGREEMENT. A CRIMINAL HISTORY
18 CATEGORY WILL BE ASSIGNED TO YOU. AND THEN, BASED ON THE
19 CRIMINAL HISTORY CATEGORY AS WELL AS THE BASE OFFENSE LEVEL OF
20 40 OR 41, A GUIDELINE RANGE WILL BE CALCULATED.

21 DO YOU UNDERSTAND?

22 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

23 **THE COURT:** THE GOVERNMENT WOULD BE RECOMMENDING A
24 SENTENCE AT THE LOW END OF THAT GUIDELINE RANGE AS CALCULATED
25 BY THE GOVERNMENT.

MAY 20, 2015

1 DO YOU UNDERSTAND?

2 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

3 **THE COURT:** YOU WOULD BE FREE TO REQUEST FROM THE
4 COURT ADDITIONAL DOWNWARD ADJUSTMENTS OR DEPARTURES UNDER THE
5 GUIDELINES, AS WELL AS VARIANCES UNDER 18 USC, SECTION 3553.

6 DO YOU UNDERSTAND?

7 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

8 **THE COURT:** THE COURT HAS AN INDEPENDENT OBLIGATION
9 OF THE PARTIES, THE COURT IS NOT BOUND BY THE PLEA AGREEMENT.
10 SO I WOULD HAVE AN OBLIGATION TO REVIEW ALL OF THE MATERIALS
11 THAT YOU AND COUNSEL FOR THE GOVERNMENT SUBMIT, TO CONSIDER
12 ALL OF THE ARGUMENTS ADVANCED BY THE PARTIES, YOURSELF
13 INCLUDED AND GOVERNMENT COUNSEL AS WELL. AND ULTIMATELY TO
14 CONSIDER THE ADVISORY GUIDELINES UNDER THE UNITED STATES
15 SENTENCING GUIDELINES, AS WELL AS ALL RELEVANT SENTENCING
16 FACTORS UNDER 18 USC SECTION 3553.

17 DO YOU UNDERSTAND?

18 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

19 **THE COURT:** IN FASHIONING AN APPROPRIATE SENTENCE
20 THE COURT, AS I MENTIONED, IS NOT BOUND BY THE PLEA AGREEMENT.
21 IT WOULD ARRIVE AT A SENTENCE THAT IT DEEMS TO BE JUST, FAIR,
22 AND SUFFICIENT BUT NOT GREATER THAN NECESSARY TO ADDRESS NOT
23 ONLY THE ADVISORY GUIDELINES BUT THE SENTENCING FACTORS UNDER
24 18, UNITED STATES CODE, SECTION 3553.

25 DO YOU UNDERSTAND?

MAY 20, 2015

1 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

2 **THE COURT:** NO MATTER WHAT SENTENCE IS IMPOSED,
3 WHETHER IT IS WITHIN THE GUIDELINE RANGE PROPOSED BY THE
4 GOVERNMENT CONSISTENT WITH THE PLEA AGREEMENT, OR IF THE COURT
5 IMPOSES SOME OTHER SENTENCE OUTSIDE OF THE PLEA AGREEMENT, NOT
6 CONTEMPLATED BY THE PLEA AGREEMENT, YOU WOULD WAIVE YOUR RIGHT
7 TO APPEAL OR TO LATER COLLATERALLY ATTACK THE SENTENCE AND
8 JUDGMENT.

9 DO YOU UNDERSTAND?

10 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

11 **THE COURT:** IN ADDITION, NO MATTER WHAT SENTENCE IS
12 IMPOSED, WHETHER IT IS WITHIN THE CONTEMPLATION OF THE PLEA
13 AGREEMENT OR OUTSIDE OF THE PLEA AGREEMENT, YOU WOULD NOT HAVE
14 A RIGHT TO WITHDRAW YOUR GUILTY PLEA.

15 DO YOU UNDERSTAND?

16 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

17 **THE COURT:** AND MR. ARECHIGA-GAMBOA IS A MEXICAN
18 CITIZEN?

19 **MR. RAGEN:** HE IS, YOUR HONOR.

20 **THE COURT:** SO IN LIGHT OF THAT FACT I WOULD ALSO
21 ADVISE THAT THIS PLEA WILL OBVIOUSLY RESULT IN DEPORTATION,
22 REMOVAL, OR EXCLUSION FROM THE UNITED STATES.

23 DO YOU UNDERSTAND?

24 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

25 **THE COURT:** MR. RAGEN, YOU HAVE HAD A FULL

MAY 20, 2015

1 OPPORTUNITY TO DISCUSS THE PLEA AGREEMENT, INCLUDING THE
2 ADDENDA, WITH YOUR CLIENT?

3 **MR. RAGEN:** I HAVE, YOUR HONOR.

4 **THE COURT:** ARE YOU AWARE OF ANY VIOLATION OF HIS
5 CONSTITUTIONAL RIGHTS OR ANY DEFENSES HE MAY BE GIVING UP?

6 **MR. RAGEN:** NO, YOUR HONOR.

7 **THE COURT:** YOU DO JOIN IN THE PLEA?

8 **MR. RAGEN:** I DO.

9 **THE COURT:** MR. BRAVERMAN, GOVERNMENT IS SATISFIED?

10 **MR. BRAVERMAN:** WE ARE, YOUR HONOR.

11 **THE COURT:** SIR, HOW DO YOU PLEA TO THE SOLE COUNT
12 IN THE INDICTMENT UNDER TITLE 21, UNITED STATES CODE, SECTIONS
13 952 AND 960, AS WELL AS 963, CONSPIRACY TO IMPORT COCAINE AND
14 MARIJUANA, A FELONY: GUILTY OR NOT GUILTY?

15 **MR. RAGEN:** YOUR HONOR, IT IS A SUPERSEDING
16 INFORMATION. THE INDICTMENT WILL BE DISMISSED, I THINK AT THE
17 TIME OF SENTENCING.

18 **THE COURT:** IF I SAID INDICTMENT I MISSPOKE.

19 THE SUPERSEDING INFORMATION AS IT CONTAINS THAT
20 COUNT UNDER TITLE 21, UNITED STATES CODE, SECTIONS 952, 960
21 AND 963, CONSPIRACY TO IMPORT COCAINE AND MARIJUANA, A FELONY:
22 GUILTY OR NOT GUILTY?

23 **DEFENDANT ARECHIGA-GAMBOA:** GUILTY.

24 **THE COURT:** THE PLEA IS ACCEPTED. I DO FIND THAT
25 THE DEFENDANT HAS FREELY, VOLUNTARILY, AND COMPETENTLY ENTERED

MAY 20, 2015

1 INTO THE PLEA. THERE IS A FACTUAL BASIS FOR THE PLEA. HE
2 UNDERSTANDS THE CHARGE AGAINST HIM, THE CONSEQUENCES OF THE
3 PLEA. AND HE HAS KNOWINGLY AND INTELLIGENTLY WAIVED HIS
4 RIGHTS.

5 WITH RESPECT TO SENTENCING, WHAT'S THE REQUEST?

6 **MR. RAGEN:** YOUR HONOR, IT IS MY REQUEST THAT WE
7 HAVE SOME ADDITIONAL TIME BEYOND THE NORMAL THREE-MONTH PERIOD
8 BECAUSE THERE IS A LOT TO BE GATHERED TO SUPPORT THE 3553
9 FACTORS THAT I THINK THE COURT NEEDS TO BE AWARE OF.

10 I WOULD ASK FOR EITHER OCTOBER 16TH OR THE FIRST
11 FRIDAY IN DECEMBER, YOUR HONOR, BASED ON MY PRIOR COMMITMENTS.

12 **MR. BRAVERMAN:** THOSE DATES ARE FINE WITH THE UNITED
13 STATES, YOUR HONOR.

14 **THE COURT:** THE FIRST DATE YOU MENTIONED, MR. RAGEN?

15 **MR. RAGEN:** OCTOBER 16TH IS A FRIDAY, YOUR HONOR.

16 **THE COURT:** ALL RIGHT. LET'S SET IT FOR SENTENCING.
17 WHAT WOULD BE THE DUE COURSE SENTENCING DATE?

18 **THE CLERK:** AUGUST 7TH.

19 **THE COURT:** AUGUST 7.

20 SO YOU WOULD HAVE A RIGHT TO BE SENTENCED BY
21 AUGUST 7. IT IS MY UNDERSTANDING THAT YOU ARE GIVING UP THAT
22 RIGHT. AM I CORRECT?

23 **DEFENDANT ARECHIGA-GAMBOA:** YES, SIR.

24 **THE COURT:** WE WILL SET IT FOR SENTENCING FOR
25 OCTOBER 16. LET'S SET IT FOR --

MAY 20, 2015

